

Exhibit 41

**Enrolled Bill Review Form
2021 Regular Session**

Confidential - Internal & Deliberative

- 1. Bill No:** HB3293 **Same as / Similar to:**
- 2. Section Check:** §§18-2-5c, 18A-2-25 (amends)
- 3. Effective Date:** () Passage (X) 90 Days () July 1, 2021
() Other
- 4. Please note if a Governor's Bill () or an Agency Bill ()**
- 5. Sponsor(s):** Delegates Hanna, Bridges, Clark, Ellington, Horst, Jennings, Longanacre, Mazzocchi, Tully, Phillips, Burkhammer

6. Yeas and Nays:

Senate:	18 Yeas	15 Nays	1 Absent & Not Voting
House:	80 Yeas	20 Nays	0 Absent & Not Voting

7. Legislators voting against the Bill:

Senate: Baldwin, Beach, Caputo, Ihlenfeld, Jeffries, Lindsay, Maroney, Nelson, Plymale, Romano, Stollings, Swope, Takubo, Unger, Weld

House: Barach, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young, Zukoff

8. Describe the purpose of the bill and explain the relevant changes to current law:

The bill requires interscholastic, intercollegiate, intramural, or club athletic teams that are sponsored by any public secondary school or state institution of higher education to be expressly designated as either (1) male; (2) female; or (3) coed. Male is defined in the bill as an individual whose biological sex determined at birth is male and female is defined as an individual whose biological sex determined at birth is female. Teams that are designated for females cannot be open to male students when selection of the team is based on competitive skill or the team activity involves a contact sport. Teams that are designated as male or coed do not have eligibility restrictions. The bill provides a private cause of action for any student that is aggrieved by a violation of the language in the bill. The WVBE is charged with adopting a policy to implement the provisions of the bill.

EXHIBIT

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9. Unless otherwise noted, the agency has reviewed the technical sufficiency of the bill and finds as follows:

- a. All code sections in the body of the bill are in the title and enacting section. Yes
- b. Bill title complies with Section 30, Article VI of the WV Constitution. Yes
- c. All cross references and citations to federal and state law are correct. Yes
- d. The numbering of sections, subsections, subdivisions, paragraphs, subparagraphs, clauses and any consecutive similar designation is correct. Yes
- e. Dates, numbers, and punctuation are sufficiently plain and clear to ascertain what the law is and to give effect to it. Yes
- f. Effective date of the bill and internal effective dates are not in conflict. Yes
- g. No other technical errors were identified for which the agency would recommend a technical veto.

10. Agency Rule Making:

- a. Does the bill require a legislative rule? WVBE Policy
- b. Does the agency currently have sufficient rule-making authority regarding the subject matter of the bill? n/a
- c. Are emergency rules mandated? Permitted? Does the bill provide for emergency rule authorization status? If not, does the agency need emergency rule making authorization status? n/a

11. Identify whether the bill creates any new funds or accounts or mandates the agency to transfer or distribute monies from accounts under agency control: None

12. Describe any changes to fees, taxes, rates, or revenues: None

13. Agency comments (This may include whether the agency supports, opposes or is neutral about the bill. If the agency questions the constitutionality of the bill, if the bill conflicts with other provisions of state code or federal law, if the agency substantially disagrees with the public policy of the bill, or the agency will suffer undue hardship to make the bill effective, please explain)

14. Is a Governor's veto recommended? If yes, please explain. The WVDE does not support this bill.

15. Please identify whether any other state agency should also provide a bill review: HEPC

16. Preparer's name and title: Sarah Stewart, Government Affairs Counsel

Date: April 19, 2021